

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

The State of Missouri, *et al.*,

Plaintiffs,

v.

President Joseph R. Biden, Jr., in his official
capacity as President of the United States of
America, *et al.*,

Defendants.

Civil Action No. 3:22-cv-1213

Judge Terry A. Doughty

Mag. Judge Kayla D. McClusky

**DEFENDANTS' RESPONSE TO THE KENNEDY PLAINTIFFS' MOTION FOR
CONSOLIDATION**

Pursuant to the Court's July 5, 2023 Order (ECF No. 295), Defendants respectfully submit this brief response to the *Kennedy* Plaintiffs' motion for consolidation (ECF No. 236). As set forth in Defendants' opposition to the preliminary injunction motion in the *Kennedy* action (currently pending decision), *see Kennedy, et al. v. Biden, et al.*, No. 3:23-cv-381, ECF No. 17 at 5-12, the *Kennedy* Plaintiffs lack standing to bring their claims (either as speakers or listeners), and the Court should therefore dismiss their complaint, rendering the request for consolidation moot. *See, e.g., Don't Dismyabilities, Inc. v. City of Dallas*, No. 3:17-CV-3026-L, 2017 WL 5626330, at *1 (N.D. Tex. Nov. 21, 2017) (denying preliminary injunction and dismissing without prejudice for lack of ripeness, even absent separate motion to dismiss). However, in the event the Court finds that the *Kennedy* Plaintiffs have sufficiently established standing, Defendants do not oppose the request for consolidation.

Dated: July 19, 2023

Respectfully submitted,

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